

Minutes of the Regular Meeting of the City of Auburndale held April 5, 2021 at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Tim Pospichal, Commissioners: Dorothea Taylor Bogert, Keith Cowie, Richard Hamann, and Jack Myers. Also present were: City Manager Jeff Tillman, Finance Director/City Clerk Shirley Lowrance, City Attorney Fredrick J. Murphy Jr., and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Jerry Smith of Berea Baptist Church and a salute to the flag.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Minutes of the Special Commission Meeting of March 8, 2021 and the Regular Meeting of March 15, 2021. Upon vote, all ayes.

City Manager Tillman thanked the Commissioners and said it was an honor to serve as the 5<sup>th</sup> City Manager in the history of City Managers for Auburndale. He said in over 71 years, there have only been five City Managers and he looks forward to the opportunity to take it to 100 years. He said he was extremely blessed, appreciate support, and looks forward to working with the Commissioners in the future. He introduced his guests: Brittany, his wife, Carol and Mark Hurst, her parents, Bobby Tillman, his father, and Lauren Tillman, his sister. He said he appreciated them for their support. He asked Community Development Director Amy Palmer to come forward for an announcement. He said she started with the City as the Staff Planner in 2002. He said she helped him do his Senior Project in High School and at the time, he did not realize how young she was, as she had just coming out of college. He said he has known Amy since the beginning of her career and she was later promoted to Community Development Director. She got an opportunity to go to work for the Central Florida Development Council and expand her tool box and build some great relationships around the County. She is well respected around the County and among her peers. We were fortunate that when Shawn Sherrouse was promoted from Community Development Director to Assistant City Manager in 2012 that Amy came home to Auburndale. She does a great job as the Community Development Director, whether it is coordinating the Leadership Polk Day or any task. He announced that Amy Palmer will be our next Assistant City Manager for the City of Auburndale.

Assistant City Manager Amy Palmer said she really appreciated the confidence he had in her to be the Assistant City Manager for the City of Auburndale and to help you be successful with the City. She introduced her husband of 20 years – Andy. She said they have been through a lot together and she appreciates the support he has given her. She introduced their daughter Ali who is 10 years old and a student at St. Joseph Catholic School and in the 5<sup>th</sup> grade. She said she came to the City of Auburndale 19 years ago as the Staff Planner and worked under former City Manager Bobby Green. She said Bobby is her mentor and she learned a lot about customer service and what a great place Auburndale is. She said she was so proud to work here and to continue to work here in this capacity. She thanked them.

City Manager Tillman said he was really excited for Amy in this opportunity, as she represents the best in local government, both through her professionalism and customer service. He said he looks forward to her in the different role in the team.

Parks and Recreation Director Cody McGhee presented Mike Williams with his 15 years' service plaque. He said he was one of his right-hand people in the Cemetery Division. He has also worked within the Parks and Recreation division. Mike introduced his son, Jordan Williams.

Parks and Recreation Director Cody McGhee presented Becky Bauman with her 20-year service plaque. He said she works in the Parks & Recreation Office as his right-hand person, keeps him on track, and has a heart for the customers and staff of Parks and Recreation. He said he did not know what he would do without her. He said she has been a fantastic member of the team and he could not thank her enough.

Becky Bauman introduced her sister Janie and Janie's husband Jack and her brother Johnny and his wife Dianne. She said they have been a big part of her 20.

Police Chief Andy Ray presented Nicolle Peterson with her 20 years' service plaque to the Auburndale Police Department. She is married to former Police Officer Mike Peterson. He said Nicolle started with the Department on March 12, 2001, as a Communication Operator, in 2002 she transferred to the Code Compliance Division, and in 2020 moved to the Property and Evidence Custodian position. Over her 20-year career, Nicolle has received multiple recognitions for outstanding service. She does a great job every day and has played a vital role in our success and her contributions are appreciated.

City Manager Tillman said the Ridge League of Cities will be hosting their dinner meeting on May 13 and as we get more information on this, we will let the Commission know.

City Attorney Fredrick J. Murphy Jr., congratulated Mr. Tillman on his official duties as City Manager for the City of Auburndale and Amy Palmer. He said he has had the privilege of working with Amy for a number of years and she is of the highest degree of professionalism. He said he also gets to work with Amy's husband who has the same degree of professionalism. He said they are a great combination. He reported the City received a certificate of title for the Flentke foreclosure, issued by the Clerk of Court and it has been recorded. We are now the official owners of that property and he related that information to the City Manager and Police Chief. We can take proactive steps for the property.

Mayor Tim Pospichal asked for public comment. There was no public comment.

City Attorney Fredrick J. Murphy Jr., read the Proclamation for Water Conservation Month – April 2021.

Public Works Director John Dickson accepted the Proclamation for Water Conservation Month and said he appreciated the support and will display the Proclamation in the Utility Billing Office.

## **1. PRESENTATION OF BIDS – STREET RESURFACING**

City Manager Tillman said for several years, the City has worked with the Florida Department of Transportation and Polk County on issues related to State Road 559 or SR-559. These matters include the number of commercial trucks traveling through the downtown area, safety concerns near the Downtown Park, and increased traffic due to growth in the North Auburndale area. In January 2020, the State swapped jurisdictional control of SR-559 with Polk County and assumed jurisdiction of Berkley Road and C. Fred Jones Blvd. The portion of SR-559 transferred to the County is now known as County Road 559 or CR-559. In March 2020, the City agreed to assume jurisdiction of a portion of Bay Lake Resort Road and CR-559 beginning south of the intersection at Polk City Road and Lake Ariana Boulevard continuing through the downtown area to Recker Highway. He displayed the location of the swapped roads on the map. At the same time, the City passed Resolution #2020-01 regulating truck traffic on Lake Ariana Boulevard at Polk City Road, south to US Highway 92 or Magnolia Avenue and directing staff to cause the road to be posted "No Thru Trucks", similar and complimentary to actions of the County. Staff also made a presentation on improvements that could be made as a result of the City assuming a portion of the jurisdiction including working with the appropriate agencies to post signage at various intersections to detour commercial trucks, installing speed indicators, making crosswalk and sidewalk improvements, beautification improvements, encourage the construction of a round-a-bout at Gapway, and the resurfacing of the roadway. He said want to bring the Commission up to date on some of these discussion items from a year ago. We talked about signage needed at C. Fred Jones Blvd., signs coming out of Bay Lake Resort, and additional signage in the intersection. We will continue to work with the State for better more visual signs. We talked about installing signage on Main Street and Staff has put in "No Thru Truck" signs. Earlier this year we talked about and the Commission approved as a priority project the installation of a mast arm with signage. CDBG funding is available in October for this signage. We talked about the State doing stacking lanes off Hwy 92, which has been complete. We installed additional signage down

Berkley Road and signage at Gapway for "No Thru Trucks". Will continue to support the State for improved signage at Old Dixie Hwy. The signage has been posted at Dairy Road and Progress Road; however Dairy Road is a county road and currently they do not restrict truck traffic coming down to Old Lake Alfred Road. We are in conversations with the County regarding this. We need to work with Coca Cola and they are most supportive to try to detour trucks down C. Fred Jones Blvd. They have reached out to all of the other commercial haulers to let them know the preferred route. Public Works Director Dickson has reached out to all the commercial haulers to make them aware of the truck route now. We also have had an Intern counting trucks in our park to gauge the counts. A decade ago, there were 400 trucks from 8 a.m. to 5 p.m. and when he counted in December there were 112. We wanted to see if the number was coming down now that the signage is in place – the count in February 2021 was 81 and in March 2021 was 75. He said you see it is incrementally coming down and the signage is working. We will continue to work with all of our partners to get that number down to a manageable number and continue to make improvements on Hwy 559. The speed indicators have been placed around Lake Ariana Blvd. on one side and will be installed on the north side soon. When the Dollar General came in on Lake Ariana Blvd, the crosswalk improvements at the intersection were planned and they have been completed. The pedestrian cross walk at Main Street and Hwy. 92 has been installed near the First Missionary Baptist Church. We partnered on a landscape and fence project at the First Missionary Baptist Church and used CRA funds to pay the cost difference in their proposed fence and landscaping for the brick columns, the black aluminum fencing, and landscaping. The City will continue to maintain the landscaping in the future, as this is a gateway into our City off Hwy. 92, into our City. We used this year's CDBG funding for sidewalk improvements on Main Street from Hwy. 92 to Derby. Auburndale Central was removing a number of Drake elms that had been in decline. Originally the Drake Elms were donated to the School by the CRA. When they started to take them out, we reached back out to the School and said we would like to partner with you again. We installed oak trees next to their playground and enhanced the Gateway even more. We removed Drake Elms from around Lake Stella and replaced them with complimentary trees such as: oak trees, cypress trees, and sabal palms. Now that the roadway is under the City jurisdiction, we can make additional improvements, as we see fit. We are able to put in some directional signage on Lake Stella to encourage trucks to turn right as they approach Lake Stella. We also did stormwater improvements on Lake Stella. We saw trucks coming down Bridgers Avenue and this allowed us the opportunity to place signs for "No Trucks North", which encouraged them to not come Downtown. A current project is landscaping on Main Street near Coca Cola for improvements to the roadway similar to that on PK Avenue rain gardens. Their engineer is currently working on those improvements and we will work with them on the funding through the CRA. Now that County Road 559 is maintained by the county, Gapway Road is a County intersection and we will continue to work with County staff to make traffic improvements to help with growth to the North. He said the Agenda item was to award the Street Resurfacing Bid. He said he wanted to compliment staff on all the work along Hwy. 559.

Public Works Director John Dickson said the City has advertised and requested bids to mill and resurface Lake Ariana Boulevard south of the intersection at Polk City Road through the downtown area to Derby Avenue. We originally looked at going all the way to Recker Hwy, but as you saw in the previous picture, that is fairly new construction from Derby Road to over the overpass, so we took that portion out of the bid. The following six bids were received:

•	<b>Hubbard Construction, Lakeland</b>	<b>\$526,210.00</b>
•	Ajax Paving, North Venice	\$669,804.62
•	L Cobb Construction, Wauchula	\$768,194.08
•	Asphalt Paving Systems, Zephyrhills	\$814,949.00
•	CWR Contracting, Plant City	\$842,124.00
•	AAA Top Quality Asphalt, Winter Haven	\$1,118,828.20

Funding for this project is provided in both the Public Works Department for \$500,000 and Community Redevelopment Agency for \$1,000,000 FY 2020-2021 Budgets. The project will consist of milling an inch and one half of asphalt down and going back with an inch and a half of new paving. The stripping will be thermoplastic. The contractor will be completing the non-residential portion at night. We allowed for the contractor to take up to 45 days for construction to begin, but in discussion with Hubbard if it is awarded,

they will get started by April 26. They suggest it will take two weeks to complete the project. The job did come in under budget, so we will take a look at expanding the improvements and target streets off Lake Ariana Blvd. such as Century, Ruthven, and the Lake Ariana Estates area. We will take a look at this based on need and our budget. The last few weeks, we have been doing night time and daytime work in preparation for the road improvement. The work has consisted of necessary storm and sanitary sewer repairs that needed to be done prior to the resurfacing. All the underground has been taken care of. We might have a couple of areas that need compaction, but we are pleased to have all this done and ready to move forward with resurfacing. Staff recommendation was to award the bid to Hubbard Construction in the amount of \$526,210.

Mayor Tim Pospichal asked for any other public comment. There was no public comment.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to award the bid for resurfacing to Hubbard Construction in the amount of \$526,210.

Commissioner Keith Cowie asked about the additional streets and whether the additional streets would need to come back before the City Commission for approval.

City Manager Tillman said no, as long as the total price was under the budgeted amount for the project. It is a Bid project, so we would be able to take the work as far as possible within the Budget.

Upon vote, all ayes.

Commissioner Dorothea Taylor Bogert asked with all street signage discussion she had a question about the update for the GPS to show the road is not for truck traffic.

Public Works Director John Dickson said no, not with the GPS. He said there were a lot of truck companies that do the maps for the trucks, independent of what we might do. They have their own logistic company and their own mapping. He said he sent an email to the companies and asked them to share the information with their logistic companies.

Commissioner Keith Cowie said we will eventually get to enforcement through the Police Department and he did not know what else had to be in place for us to do that.

Public Works Director John Dickson said actually all the signage is in place. The county's Resolution and the City Resolution are in place. It is just up to us.

Commissioner Keith Cowie said he was not advocating we write tickets to everybody, but we need to give some warnings maybe.

Commissioner Richard Hamann said he thought at one time the State was going to work with us on some overhead signage.

Public Works Director John Dickson said we requested it, but they did not approve it. We will continue to ask for signage; as well as ask the County regarding traffic coming out of Progress Road and Gandy going north on Dairy Road. This was not part of their Resolution they passed. We will continue to request both of these: overhead signs and no trucks.

## **2. IMPLEMENTATION AGREEMENT – POLK REGIONAL WATER COOPERATIVE**

City Manager Tillman said in April 2006, the City Commission passed Resolution #06-05 encouraging the creation of a County-Wide Water Supply Plan and County-Wide Local Water Cooperative. The first phase of the Water Supply Plan included an inventory of all existing and future water supply sources and

facilities, projected populations, and water supply needs over a 10, 20, and 50-year horizon. In August 2006, all of Polk County's cities and the County agreed to fund the preparation of the Polk County Water Supply Planning Document. This document would utilize the information collected in Phase I, as the basis for developing proposed regional solutions to help all cities and the County meet future water supply demands. In 2006, the residential growth stalled and put some of the water initiatives on the back burner. In July 2015, the City Commission approved an Interlocal Agreement with Polk County for funding development of the Polk County Regional Water Cooperative or the PRWC. Essentially, to provide funding to take the next step in the planning process that began over a decade before. Utility directors, engineers, and technical staff began evaluations of the future water supply needs and to identify supply deficits on a twenty-year horizon. Simultaneously, the technical team identified 205 possible non-traditional or alternative water supply projects. The projects were shortlisted to nine based on regional benefits and meeting the 30 MGD yield target for cooperative funding from the Southwest Florida Water Management District or SWFWMD. The PRWC Board voted to advance five of the projects as "Nominated Projects", and further advanced three of the five as "Candidate Projects". Those three projects include two that are Lower Floridan Aquifer deep well projects, which were the West Polk Deep Wellfield in Lakeland, Southeast Wellfield near Frostproof, and the Peace Creek Integrated Water Supply Project in the Winter Haven area. These three projects are estimated to yield 50 MGD toward meeting the long-term water supply needs of the region being Polk County. Combined costs for the three Candidate Projects, if all were constructed, was estimated at over \$617 million. In March 2016, Auburndale joined the County and all other Polk municipalities in unanimously voting to establish, give endorsement, and join membership in the PRWC. Mayor Pospichal was appointed as Auburndale's primary member and Commissioner Hamann, as the alternate member to serve on the PRWC Board. Mayor Pospichal recently completed two years as chairman on that Board. In January 2017, the PRWC Board voted to approve the Implementation Agreement for Phase I of the combined three Candidate Projects, which was estimated to take five years to complete. The scope of work included in Phase I included field testing, test wells, site evaluations, yield verification, conceptual and preliminary design including water quality and pressure, and which member utility will participate in Phase II, which is actual construction of one of the projects. Phase I was estimated at \$23 million with 50% (\$11.5 million) in matching SWFWMD cooperative funding. The balance or \$11.5 million would be paid by the PRWC members adopting the proposed Combined Projects Implementation Agreement. Auburndale's total cost share based on the same percentage of the identified water supply deficit, which is 7.08% of the total County wide deficit, was \$1,627,661. Applying the 50% SWFWMD co-funding reduced the dollar amount to \$813,830.50. In February 2017, the City Commission gave approval to the Phase 1 of the Combined Projects Implementation Agreement and \$166,000 is being reserved for several years to pay Auburndale's share of the \$813,830.05, when it is due in FY 2023/2024. The purpose of the proposed Project Implementation Agreement is to implement Phase 2 of the Combined Projects Implementation Agreement through construction, operation, maintenance and funding of the particular project in which Auburndale will participate. The PRWC technical staff and Chastain Skillman, the City's consultant engineers have suggested the Southeast Wellfield project is the City's optimum option for alternative water supply. Polk County and Winter Haven are two of the PRWC members that have also committed to the Southeast Wellfield project. On March 8, 2021, the City Commission held a Water Workshop to discuss the various PRWC options with City Staff and Ryan Taylor, PRWC Executive Director. After presentations and informative discussion, consensus was to suggest to the PRWC that Auburndale would also participate in the Southeast Wellfield project. On March 15, 2021, City Staff presented discussion on the American Recovery Act, or the Stimulus Project, which would provide the City with \$6.9 million dollars over the next two years. The federal funding is restricted to eligible uses including investments in utility infrastructure. City Staff has proposed the completion of the potable water interconnect with Polk County and Winter Haven in the area of Simmers Young Park. He displayed a picture of the area proposed for the Interconnect and proposed projects. We also propose an extension of a water line on Gapway Road connecting Berkley Road with County Road 559 and a new water tank at the Berkley Road Water Plant. These projects are included in the City's 5-year Capital Improvements Plan or CIP and will be allocated in the upcoming two-year budget. Approval of the proposed Project Implementation Agreement will allow the PRWC to continue in design work, which includes Auburndale as a Project Participant to the Southeast Wellfield Project. Knowing which project that member utilities are

participating in will also allow the PRWC to secure the necessary funding arrangements including additional grants and low-interest loans. SWFWMD has committed to fund 50% of the projects; PRWC has reached out and are working on the WITHIA loans, which are low interest loans that do not have to be paid back until 5 years after construction of the Southeast Wellfield. The proposed Agreement requires the engineer/design consultant to complete 60% final design and present the plans to each PRWC Member participating in the Project. Auburndale would be presented 60% design plans for the Southeast Wellfield Project. Any member city participating in the Project may withdraw from the Project following 60% final design. The 60% final design will include design specifications and drawings, an estimated Bidding Budget, and estimated rate structures for participants to use in determining end user water rates. We are in the process of doing a Water Rate Study with the consultant Raftelis, who is also the consultant for the PRWC and they are aware of our Capital needs. If a city does opt out at this point, they are still responsible for the costs incurred up to the 60% design. Auburndale's estimated cost to participate in the Southeast Wellfield design, up to the 60% "off ramp" is \$1,382,150. With the 50% SWFWMD cooperative funding reduces this amount to \$691,075, if we continue all the way into the construction phase. He displayed the Cities that had the opportunity to tie into the Southeast Wellfield and their future water needs in 2045 and associated deficit. Auburndale would have 1.75 MGD deficit in 2045. It is estimated the construction of the facility and delivery of the water will be 5 to 6 years out. We are currently in preliminary design. We are 5 to 6 years out from getting alternative water, which is why it is so important to look at alternative water. Auburndale is in a very fortunate location, as we could participate in both projects the West Polk as well as the Southeast project. Due to the timing of the Southeast Wellfield project, which is currently permitted by SWFWMD to move forward, our water needs are potential to come on line before there is a need to develop the West Polk Wellfield. This is why Staff's recommendation is approval of the Southeast Wellfield Implementation Agreement with the Polk County Regional Cooperative. He said the Mayor has been involved in the project since its inception.

Mayor Tim Pospichal said City Manager Tillman summed it up very well. He said time is of the essence to have the opportunity to hook into the Southeast Wellfield, since it is already permitted. He said 2045 will be here before we know it. He thanked Mr. Tillman for the discussion.

City Attorney Fredrick J. Murphy, Jr. said the document in the Commission Agenda is a draft in progress. As stated on the document, it is a draft and is still changing. There will be discussions on the draft throughout the week with the other attorneys and staff involved with this particular project. There will likely be changes to the draft and the most significant will be Auburndale's capacity input into the document. With Auburndale's participation and all the other cities participating, the value will need to be 14 MGD. It is permitted by the SWFWMD; however it is located in the Frostproof area, which is not SWFWMD jurisdiction but the South Florida Water Management jurisdiction. The West Polk Wellfield is seeking permits. He said there are a number of things that could change, but we are all continuing to work on this. The SWFWMD governing Board is meeting on April 28, and they want to have these Implementation Agreements done to present as complete. This will allow SWFWMD to raise their funding priority match. Right now, the funding priority for these two water projects is very low in the SWFWMD funding. We have been told we can get the funding priority up, if we can demonstrate some cooperative regionality. The 2016 agreement provides for a Project Associate, which is an entity who wishes to stay abreast of project, wishes to participate in a non-voting way, wishes to stay engaged but does not have a seat at the table, but does not feel they can make the financial commitment now to move forward. He said he mentions this, as it might be a route we want to take in the West Polk Wellfield project. He discussed the 60% off ramp was available if we decide this is not working out. He said this is a draft and any approval you might contemplate would need a document that would be more final in form.

Commissioner Jack Myers said it is the case, we are committing to the funding at this point in time. He said if we only went to the 60%, we are just wasting \$600,000 of tax payer money. He said he did not want to go into this thinking we can get out at 60%, after spending over ½ million dollars. When you get on this train tonight, you are on the train hopefully for the duration of the project. He said this would be his opinion.

City Attorney Fredrick J. Murphy, Jr. said the 60% option was largely drafted for the smaller communities that might have felt uncomfortable in making the commitment. He said the County has committed to funding the 60% off or a portion of each project participants share. So, if a lot of cities were getting off, you would not be hit with a significant additional capital cost. He said he heard in the meeting that the County was going to move forward with this project, whether anyone else does or not. He said as Commissioner Myers said, get on the train and plan for your future or not.

Commissioner Richard Hamann asked how it works for a City who gets off and then wants to get back on. He asked if they had to come up with additional funds.

City Attorney Fredrick J. Murphy, Jr. said yes, 60 % + 10 % assuming there is capacity available for the city to get back on. The agreement is a draft and the final details are yet to be worked out and we hope to get the details worked out very soon.

City Manager Tillman said staff recommendation was if you want to move forward with the Southeast Wellfield to approve the Implementation Agreement subject to any major changes. He said he understands the changes being worked on are details and our funding amount will be based upon the 1.75 MGD need in 2045. If you make a motion, it will be subject to any major changes. If they are minor in nature, we would not bring it back to the Commission. If they are major, he will discuss this with the City Attorney and bring it back. In speaking with the Mediator with the PRWC, she feels the changes are minor and the funding based on the City's needs. The plan is to bring the West Polk Wellfield Agreement to the April 19 meeting, for us to participate as an associate member, which keeps our foot in the door for this project. We do have two interconnects with the City of Lakeland, so there is a natural connection there. Due to them not being on the same time line as our future water needs, we need to move forward with the Southeast Wellfield project. Being an Associate Member, keeps us in the door if we ever want to get back involved with the West Polk Wellfield. This does not commit us to the 60% design funding, so we only pay one 60% fee and decide in the future to move forward with the Southeast Wellfield. It gives us our foot in the door with West Polk, if we want to attend the meetings, have input as far as what is going on with the West Polk Wellfield, but we would not be allowed to vote. This matter will be coming back to the Commission on April 19.

City Attorney Fredrick J. Murphy, Jr. said one of the blanks in the document is what % would the associate member pay if they wanted to join at some time in the future. He said he thought the idea was that it would be something less than 10%.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Keith Cowie, to approval of the Southeast Wellfield Project Implementation Agreement with the Polk Regional Water Cooperative, barring any major changes to the Agreement.

Commissioner Dorothea Taylor Bogert said as the document is only a draft, she will ask just a few questions. She asked about the water charge and who has a say on the Board for setting costs.

City Attorney Fredrick J. Murphy, Jr. said the Project Board will consists of those Project participants, who are actually getting water from the project. They will share in the cost based upon the percentage allocation of water. There will be a base charge and then there will be a water usage charge, which will blend in the capital costs, repair costs, and maintenance costs. Each City or County would have a representative and there would be a weighted vote based upon the percentage of water your entity was getting. The Commission sets the rates for your citizens through consultants like Raftelis. He said it was a fair statement to say that probably alternate water supply is going to cost more than traditional water. He said it was likely there will be rates that are a little higher. The goal from the City's perspective is to try to get as much appropriated finished water from this project as you can and charge equitable and appropriate rates and do that as far in advance as you could.

Commissioner Dorothea Taylor Bogert asked about virtual water.

Mayor Pospichal said virtual water was a process of a city not being able to get what they need and another city taking less out of the Floridian aquifer and allowing them to take the water. He said there are some entities in Polk County that may look at virtual water. He gave the example of Haines City needing 1MGD extra daily and we have a capacity of 7 million we use 5 million and they are short - we will allow them to take 1 million of our allocation.

City Attorney Fredrick J. Murphy, Jr. said from the discussion today, they suggest to not call it virtual water and change the term to water offset. He said from the March 8, 2021 Workshop, one of the slides estimated the cost to be \$3.28 per one thousand gallons for alternative water and the normal cost for traditional water is \$1.25 per thousand gallons.

Commissioner Dorothea Taylor Bogert asked if a new participant comes on board, will we be required to give up any portion of our water share.

City Attorney Fredrick J. Murphy, Jr. said the contemplation is that there will be no mandated give-ups. There will be voluntary relinquishment, potentially. The Southeast Wellfield is permitted for 30 MGD and currently we are suggesting it to be 14.53 MGD.

Commissioner Dorothea Taylor Bogert asked if there would be any acquisition of Auburndale resident's land.

City Manager Tillman said no, our tie into the Southeast Wellfield would be through the Polk County and Winter Haven Interconnect.

City Attorney Fredrick J. Murphy, Jr. said no, there would not be any lands acquired. In the Interlocal Agreement all the participants said they did not want to delegate any of our eminent domain authority to the Cooperative.

Commissioner Dorothea Taylor Bogert asked about litigation fees and if the City would be liable for outside agreements.

City Attorney Fredrick J. Murphy, Jr. said he thought it was contemplated that there would be a proportional share of litigation costs based upon your percentage. The City has a 1.75 share.

Mayor Tim Pospichal said there has been litigation and it was split across the board.

City Attorney Fredrick J. Murphy, Jr. said our contemplation is that SWFWMD will partner with us, as they have in the past with Cooperative Funding Agreements. We have not seen yet the terms of what SWFWMD will give. He said he thought Commissioner Myers said it right – you are either on board or not and we will work out the details.

Upon vote, all ayes.

### **3. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – KEYSTONE ROAD**

Mayor Tim Pospichal closed the Regular Commission Meeting and opened the Public Hearing.

City Manager Tillman said the purpose of the Public Hearing was to hear and consider a proposed Ordinance amending the City's Land Development Regulations and Official Zoning Map.

Assistant City Manager Palmer said the City has received a request for a Zoning Map Amendment from Sarah Case on behalf of Keystone Developers of Polk County LLC. The location is Keystone Road and Old Lake Alfred Road. The Current use is Vacant on 65.38 acres. The current City Future Land Use is Low Density Residential. The Current City Zoning Classification is Planned Development-Housing 1 or PD-H1. The proposed City Zoning Classification is an Amended Planned Development Housing 1. In July 2019, the City approved a zoning classification of Planned Development-Housing 1 (PD-H1), which included a binding site plan, for a 203 single-family residential development on 65.38 acres, with access off Keystone Road and Lake Alfred Road. The Keystone Planned Development expired in 2020 as the City's Land Development Regulations or LDR's state that a Planned Development approval is valid for a period of 12 months unless otherwise specified. On January 19, 2021, the City Commission considered a request for a zoning change from PD-H1 to RS-2, with a cluster design. The applicant subsequently withdrew the request in order to seek a different zoning classification, at a later date. The current request before the City Commission is to amend the previously approved but expired Planned Development. As required by the LDR's for Planned Developments, this request is accompanied by a binding site plan. The modification would allow for a 199-unit residential subdivision with lots between 60'-70' wide, a minimum lot size of 8,400 SF, and setbacks of 25' in the front, 10' on the side, and 15' in the rear. The development will have two entrances that will access Keystone Road and the developer is proposing a trail along Old Lake Alfred Road, which would complete a portion of the Old Dixie Trail, which connects the TECO-Auburndale Trail along Old Lake Alfred Road. The developer is also proposing three acres of active recreation for the subdivision. She displayed the location of the property. She went over the development process for the property. She went over the proposed Planned Development's binding site plan. The Planning Commission recommendation was for approval of the proposed Zoning Map Amendment and to modify the minimum square footage of a home to be built to 1,400 square feet. She said this Note regarding the minimum lot size of 1,400 square feet will be placed on the site plan. Staff recommendation was for approval of Ordinance #1657 amending the Official Zoning Map and binding site plan.

Sarah Case said she and John McVail were here with Econ, 7600 S. Florida Avenue, Lakeland. She said we understand there was a lot of discussion about the cluster subdivision in January. We took your advice and went back to the drawing board. We have a mixture of 60' and 70' lot width. The PD that was approved in July 2019 was for 203 lots and we are looking at 199 lots now. We have the active recreation area, open play field, and walking trail. We are excited about the subdivision and want to make it a top-quality subdivision. The final decision will be on the 19<sup>th</sup> and we appreciate your approval.

Mayor Tim Pospichal asked for public comment.

Ean Jackson, 903 Hillgrove Lane, said he did not have a dog in this situation as he is on Hwy. 559. He said he was still seeing something that concerns him greatly for the continuation of the City. He said he understood that Mr. Tillman was building a City right now and he understood that part of building a City is revenue. The more lots we have in the City the more revenue. He said this still looks to be very much like the mushroom type of developments that he is seeing on 559. He said there is no big difference between 203 houses on 65 acres and 199. He said if he is not mistaken, this trail that is thrown out there is already thought of by the Department of Transportation, so what is the big deal. He said his concern also is about water. Many years ago, water when they were talking about the water tower on I-4, a man sat where Commissioner Hamann sits and said "water is the key". He said needless to say any chance the City has of getting more water they should. This number of houses showing up every time is going to be taking water away from us all. He said he was asking to rethink the number of lots. He suggested maybe reducing the number of lots; therefore maybe increasing the value of the lots and possibly the tax or financing the City needs to keep going. He said he has nothing against the lady or nothing against building houses. He said suggested less houses, higher value to the houses and possibly equal income to the City. He said he was just standing there as devil's advocate.

Sarah Case said she wanted to give a little history of the site itself. This property was annexed into the City in 2004. At that time, the request was for Low Density Residential, which allows up to 6 units per acre. The

density they are proposing is 3.04, so we are just over half what would be allowed by the LDR's. The PD approved in 2008 for 203 lots is not a huge difference to the proposed 199 units. We could not make the 203 lots work for the active recreation and the 700 SF open space required per single family lot, which is the newer requirement for the City. In 2008, that requirement was not in place. She said the walking trail displayed was on their site and the Home Owners Association will have to maintain the trail. We are at 3.04 units per acres. She said she does appreciate Mr. Jackson's concerns. We do think it will be a very nice subdivision and the developers have wanted to go there for some time. We would appreciate a favorable vote and in agreement with the condition the Planning Commission brought up of the minimum home size of 1400 SF.

Mayor Tim Pospichal asked for public comment. There was no other public comment.

Mayor Tim Pospichal closed the Public Hearing and reopened the Regular Commission Meeting

#### **4. ORDINANCE #1657 AMENDING OFFICIAL ZONING MAP – KEYSTONE ROAD**

City Manager Tillman said Staff recommended approval of Ordinance No. 1657 amending the Official Zoning Map.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1657 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO A PLANNED DEVELOPMENT-HOUSING 1 (PD-H1) ZONING CLASSIFICATION ON A PARCEL OF LAND TOTALING +/- 65.38 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: Keystone Road)**, by title only.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1657, as read by title only.

Commissioner Dorothea Taylor Bogert asked about the current zoning.

Assistant City Manager Amy Palmer said it is an expired PD. The LDR's read expired and it does not revert back.

Commissioner Jack Myers said we have to give it zoning of some form and it has to match the Comprehensive Plan.

Commissioner Dorothea Taylor Bogert asked if the 1,400 square foot house size was in the Binding Site Plan and if we need to include that in our motion.

Assistant City Manager Amy Palmer said we will add that requirement before recording. She said it was a recommendation of the Planning Commission and it could be part of the motion.

City Attorney Frederick J. Murphy Jr. asked Commissioner Richard Hamann and Commissioner Dorothea Taylor Bogert if their motion's intent was to include the 1400 SF minimum that the Planning Commission recommended. Both agreed on the intent of the motion.

Commissioner Dorothea Taylor Bogert said in regard to Mr. Jackson's comments, she would never approve anything based upon increasing our tax base. She said the property owners have a right to do within the framework of the LDR's.

Commissioner Keith Cowie said he also wanted to address Mr. Jackson's comments. He said none of us want to build a mushroom and we have with City staff have been working over the past year to increase

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the minimum lot size, setbacks and the like to try to make sure these communities do not become what you are envisioning.

Ean Jackson said he thought we have already seen that in more than one occasion. He said he showed up unprepared and meant no offense.

Commissioner Dorothea Taylor Bogert said some of those subdivisions along 559 are not in the City.

Commissioner Richard Hamann said they were permitted in the County and annexed into the City and we got stuck with it. Our staff is working with the County to rectify it.

Upon vote, all ayes.

Commissioner Jack Myers said he had a conflict with attending the TPO meeting on Thursday and asked if there was a designated back up for him.

City Manager Tillman said he will look at who was the alternate for the TPO, first thing in the morning.

The meeting was adjourned at 8:34 p.m.

I HEREBY CERTIFY that the foregoing Minutes are true and correct.

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Shirley A. Lowrance, Finance Director/City Clerk

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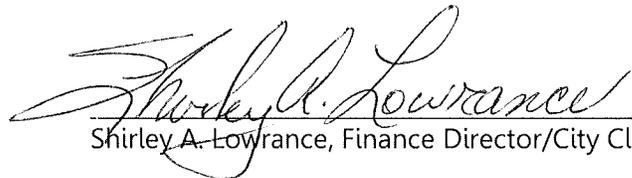
Upon vote, all ayes.

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